

D. Johnson
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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

Our Docket No.: CE01945RDate: JULY 14, 1997

In re-application of

Serial No.:

Filing Date: JULY 14, 1997

Inventor: PEYER, DAVID M. ET AL.

Entitled: CLOSEABLE COMMUNICATION DEVICE AND METHOD OF OPERATING SAME

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In accordance with 37 C.F.R. § 1.56, there is hereby provided an Information Disclosure Statement together with a Form PTO-1449, copies of references cited on the Form PTO-1449 and copies of any applicable foreign communications.

1. No additional fee is required. This Information Disclosure Statement is being submitted in accordance with 37 C.F.R. § 1.97(b) prior to one of the following events, whichever occurred last, including: (1) within three months of the filing date of a national application, (2) within three months of the date of entry of the national stage in an international application, or (3) before the mailing date of the first Office action on the merits.
2. This Information Disclosure Statement is being submitted in accordance with 37 C.F.R. § 1.97(c) after one of the following events, whichever occurred last, including: (1) three months from the filing date of a national application, (2) three months from the date of entry of the national stage in an international application, or (3) the mailing date of the first Office action on the merits, but prior to the mailing date of either (1) a final action, or (2) a notice of allowance. (check either item 2a or 2b)
 - 2a. No fee is required, because the certification statement in Item 4 below is applicable.
 - 2b. Please charge the fee under 37 C.F.R. § 1.17(p) of \$230.00 to deposit Account No. 13-4768, because no certification under 37 C.F.R. 1.97(e) has been made.
3. This Information Disclosure Statement is being submitted in accordance with 37 C.F.R. 1.97(d) after one of the following events, whichever occurred first, the mailing date of either (1) a final action, or (2) a notice of allowance, but before payment of the issue fee. In addition, the certification statement in Item 4 below is applicable. A Petition to the Commissioner is hereby made under 37 C.F.R. § 1.97(d) to request consideration of this Information Disclosure Statement. Please charge the fee under 37 C.F.R. § 1.17(i)(1) of \$130.00 to deposit Account No. 13-4768 for the petition.
4. Certification Statement (applicable if Item 2a or Item 3 is checked)
(check either item 4 or 4b)
 - 4a. In accordance with 37 C.F.R. § 1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

4b. In accordance with 37 C.F.R. §1.97(e)(2), it is certified that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known by any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

5. In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language reference is: (check item 5a, 5b or 5c)

5a. satisfied because all non-English language references were cited on the enclosed English language copy of a search report or office action from a counterpart foreign or PCT International application indicating the degree of relevance found by the foreign office. See U.S. Patent & Trademarks Office's authorization in the Federal Register, Vol. 57, No. 12, January 17, 1992, at page 2031 (Reply to Comment 68).

5b. set forth in the application.

5c. enclosed as an attachment hereto.

6. No admission is made that the information cited in this Statement is, or is considered to be, prior art, material to patentability or a representation that a search has been made (other than a search report of a foreign counterpart application or PCT international search report if submitted herewith). 37 C.F.R. §1.97(g) and (h).

7. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 13-4768. A duplicate copy of this sheet is attached.

Respectfully Submitted,

PEYER, DAVID W. ET AL.

By:



Mark D. Patrick
Attorney for Applicants
Registration No. P41,243
Motorola, Inc.
Phone: (847) 523-2326
Fax: (847) 523-2350

Please forward all correspondence to:

Motorola, Inc.
Intellectual Property Dept. (MDP)
600 North U.S. Highway 45, Room AN475
Libertyville, IL 60048